

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 93-43(DSD)

United States of America,

Plaintiff,

v.

Richard Lyle Ross,

Defendant.

James E. Lackner, United States Attorney's Office, 316 North Robert Street, Suite 404, St. Paul, MN 55101, counsel for plaintiff.

Richard Lyle Ross, #05821-041, FCI-Oxford, P.O. Box 1000, Oxford, WI 53952, defendant pro se.

This matter is before the court upon the pro se motion by defendant Richard Lyle Ross to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255 and to stay proceedings. Although Ross does not provide any reasons to grant a stay, presumably it is because of the pending Supreme Court decision in Beckles v. United States, 15-8544 (June 27, 2016), which involves whether Johnson v. United States, 135 S. Ct. 2551 (2015), applies to the sentencing guidelines, and if so, whether it is retroactive. The government opposes the motion to stay, but the court believes that the Supreme Court's decision in Beckles may impact the viability of Ross' § 2255 petition. Further, because Ross did not fully brief the merits of his petition, the court will afford him an opportunity to do so after Beckles is decided.

Accordingly, **IT IS HEREBY ORDERED** that defendant's motion to stay is granted and that defendant shall file a brief supporting his petition within 60 days after the Supreme Court issues its opinion in Beckles.

Dated: October 7, 2016

s/David S. Doty
David S. Doty, Judge
United States District Court